

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1504

BY: KEY

AS INTRODUCED

AN ACT RELATING TO EDUCATION; CREATING THE OKLAHOMA ENROLLMENT OPTIONS ACT; STATING LEGISLATIVE INTENT; ESTABLISHING ENROLLMENT OPTION PROGRAM FOR PUBLIC SCHOOL STUDENTS; AUTHORIZING SCHOOL DISTRICTS TO OPT OUT OF PROGRAM; ESTABLISHING PROCEDURES FOR TRANSFER OF STUDENTS TO SCHOOL DISTRICTS NOT SUBJECT TO DESEGREGATION PLAN; REQUIRING PARENTS TO NOTIFY CERTAIN DISTRICTS OF INTENT TO ENROLL; REQUIRING SCHOOL DISTRICT TO NOTIFY RESIDENT SCHOOL DISTRICT; ESTABLISHING PROCEDURES FOR TRANSFER OF STUDENTS INTO OR OUT OF SCHOOL DISTRICT SUBJECT TO DESEGREGATION PLAN; REQUIRING APPROVAL OF RESIDENT DISTRICT ONLY WHEN TRANSFER IS OUT OF DESEGREGATION PLAN DISTRICT; REQUIRING NOTIFICATION OF INTENT TO ENROLL AND NOTIFICATION BETWEEN DISTRICTS; REQUIRING SCHOOL DISTRICTS TO ADOPT STANDARDS PRIOR TO ACCEPTING AND DENYING TRANSFERS; SPECIFYING CRITERIA FOR STANDARDS; REQUIRING NONRESIDENT DISTRICT TO PROVIDE CERTAIN TRANSPORTATION UPON PARENTAL REQUEST; PROVIDING THAT NONRESIDENT DISTRICT RECEIVE TRANSPORTATION AID FOR CERTAIN CHILDREN; PROVIDING THAT RESIDENT DISTRICT IS NOT REQUIRED TO TRANSPORT CERTAIN PUPILS; REQUIRING REIMBURSEMENT FROM NONRESIDENT SCHOOL DISTRICT TO

CERTAIN PARENTS FOR COSTS OF TRANSPORTATION;
REQUIRING NONRESIDENT DISTRICTS TO ACCEPT ACADEMIC
CREDITS OF TRANSFERRED STUDENTS AND TO AWARD
DIPLOMAS; PROVIDING THAT ATTENDANCE OF TRANSFERRED
STUDENT BE CREDITED TO NONRESIDENT SCHOOL DISTRICT;
REQUIRING CERTAIN SCHOOL DISTRICTS TO PROVIDE
INFORMATION TO ALL INTERESTED PERSONS; AUTHORIZING
ANY PUPIL TO ATTEND ANY NONSECTARIAN PRIVATE SCHOOL
FOR NO CHARGE; SPECIFYING REQUIREMENTS FOR PRIVATE
SCHOOL PARTICIPATION IN PROGRAM; ESTABLISHING
PROCEDURES FOR ACCEPTANCE OR DENIAL OF STUDENTS IN
PRIVATE SCHOOL; REQUIRING STATE BOARD OF EDUCATION
TO PAY CERTAIN FUNDS TO PRIVATE SCHOOL; REQUIRING
STATE BOARD OF EDUCATION TO REDUCE STATE AID TO
CERTAIN SCHOOL DISTRICTS AND TO INFORM PUBLIC
SCHOOL STUDENTS OF PRIVATE SCHOOLS PARTICIPATING IN
ACT; REQUIRING BOARD OF EDUCATION TO SUBMIT REPORT
TO LEGISLATURE; REQUIRING SCHOOL DISTRICTS TO
PROVIDE TRANSPORTATION TO PUPILS ATTENDING PRIVATE
SCHOOL; PROVIDING THAT PUPILS TRANSPORTED SHALL BE
COUNTED IN SCHOOL DISTRICT AVERAGE DAILY HAUL;
REQUIRING PRIVATE SCHOOLS TO MEET CERTAIN
STANDARDS; REQUIRING STATE BOARD OF EDUCATION TO
MONITOR PERFORMANCE OF STUDENTS IN PRIVATE SCHOOLS;
AUTHORIZING STATE BOARD OF EDUCATION TO CONDUCT
FINANCIAL AND PERFORMANCE AUDITS OF PROGRAM;
REQUIRING REPORTS; REQUIRING CREATION OF PUPIL
ASSIGNMENT COUNCIL; REQUIRING COUNCIL TO MAKE
RECOMMENDATIONS; REQUIRING STATE BOARD OF EDUCATION
TO ADOPT RULES AND REGULATIONS; REPEALING 70 O.S.
1981, SECTIONS 8-102, AS AMENDED BY SECTION 88,
CHAPTER 2, O.S.L. SUPP. 1989, 8-103, AS AMENDED BY

SECTION 89, CHAPTER 2, O.S.L. SUPP. 1989, 8-104, 8-105, 8-110, AS LAST AMENDED BY SECTION 91, CHAPTER 2, O.S.L. SUPP. 1989 (70 O.S. SUPP. 1990, SECTIONS 8-102, 8-103 AND 8-110), WHICH RELATE TO TRANSFER OF PUBLIC SCHOOL PUPILS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-113 of Title 70, unless there is created a duplication in numbering, reads as follows:

Sections 2 through Section 18 of this act shall be known and may be cited as the "Oklahoma Enrollment Options Act."

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-114 of Title 70, unless there is created a duplication in numbering, reads as follows:

It is the intent of the Oklahoma Legislature that students in Oklahoma public schools shall be afforded the opportunity to attend school programs which best meet the educational needs of the student and that parents shall be given opportunities to become more informed about and involved in the enrollment options provided to their children.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-115 of Title 70, unless there is created a duplication in numbering, reads as follows:

A public school enrollment option program is hereby established to enable public school pupils to attend any public school in the state, including schools in a school district in which the pupil does not reside and nonsectarian private schools. The State Board

of Education shall be responsible for implementing this program in the public schools pursuant to the provisions of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-116 of Title 70, unless there is created a duplication in numbering, reads as follows:

The board of education of any school district may by resolution determine that the school district shall not permit any nonresident pupils to enroll in a school of the school district pursuant to this act. A school district which determines that it will not accept nonresident transfers pursuant to this act shall continue to receive nonresident transfers of students from dependent schools pursuant to Section 8-101 of this title. Any school district which elects not to receive nonresident students pursuant to this act shall file a copy of the resolution stating such fact with the State Board of Education by November 1, 1991. School districts which have elected not to receive nonresident students pursuant to this act may subsequently participate in the open enrollment program by filing a resolution stating such fact with the State Board of Education and by complying with any other requirements of this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-117 of Title 70, unless there is created a duplication in numbering, reads as follows:

In order that a pupil may attend a school in a nonresident school district, the parent or guardian of the pupil shall submit an application to the nonresident school district. Before submitting an application, the pupil and the parent or guardian of the pupil shall explore with a school guidance counselor or other appropriate staff member employed by the school district the pupil is currently attending, the reason or reasons that the pupil is applying to enroll in a nonresident school district. The application of the pupil shall identify the reason for enrolling in the nonresident school district. Except as otherwise provided in this act, the

parent or guardian of a pupil shall submit an application to the nonresident school district by January 1 for initial enrollment beginning the following school year. The application shall be on a form prescribed by the State Department of Education and provided by the resident school district. A particular school or program may be requested by the parent in the application. Once enrolled in a nonresident school district, the pupil may remain enrolled in that school district and is not required to submit annual or periodic applications. To return to the resident school district or to transfer to a different nonresident school district, the parent or guardian of the pupil shall provide notice to the resident school district or shall apply to a different nonresident school district by January 1 for enrollment beginning the following school year, except as otherwise provided by this act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-118 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. A school district which is not subject to a court-approved desegregation plan and which does not exclude nonresident pupils pursuant to the provisions of Section 4 of this act shall notify, in writing, the parent or guardian of a child who has applied for enrollment, by February 1, whether the application has been accepted or denied. If an application is denied, the school district shall state in the notification the reason for the denial.

B. The parent or guardian shall notify in writing the nonresident school district by February 15, whether the pupil intends to enroll in the nonresident school district. Notice of intention to enroll in the nonresident school district obligates the pupil to attend the nonresident school district during the following school year, unless the school boards of education of the resident and the nonresident school districts agree in writing to allow the pupil to transfer back to the resident school district, or the

pupil's parents or guardians change residence to another school district. If a parent or guardian does not notify the nonresident school district, the pupil may not enroll in that nonresident school district during the following school year unless the school boards of education of the resident and nonresident school districts agree otherwise.

C. The nonresident school district shall notify the resident school district by March 1 of the pupil's intent to enroll in the nonresident school district.

D. The procedures provided by this section shall also apply to a pupil who applies for a transfer from one nonresident school district to another nonresident school district.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-119 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The provisions of this section shall only apply to a pupil transfer into or out of a school district that is subject to a court-approved desegregation plan. A school district that is subject to a court-approved desegregation plan shall accept or reject each individual application for a transfer under this act in a manner that will enable compliance with its desegregation plan. The provisions of this section shall not apply to a student who wishes to leave the public school system and to enroll in a private school.

B. An application to transfer into or out of a school district that is subject to a desegregation plan may be submitted to a school district at any time during the calendar year for enrollment to begin at any time during the year. The parent or guardian of a pupil who is a resident of a school district that has a desegregation plan shall submit an application to the resident school district for a transfer out of the district. If the resident school district approves the application, the district shall forward

the application to the nonresident school district for approval by the nonresident school district. The parent or guardian of a pupil who wishes to enroll in a nonresident school district that has a desegregation plan shall submit an application to the nonresident school district only. A school district which has received an application for transfer shall accept or deny the application and shall notify the parent or guardian in writing within thirty (30) calendar days of receiving the application, of the decision made regarding the application. A notification of acceptance of the application shall include the date that enrollment shall begin.

C. If a school district denies an application for transfer, the school district shall state the reason for denial in the application and in the notification required by subsection B of this section. If a school district which is subject to a desegregation plan rejects an application for a reason related to the desegregation plan, the school district shall state with specificity how acceptance of the application would result in noncompliance with the desegregation plan.

D. If a nonresident school district accepts an application for transfer, the parent or guardian shall notify the nonresident school district in writing within fifteen (15) calendar days of receiving the notification of acceptance, whether the pupil intends to enroll in the nonresident school district. Notice of intention to enroll obligates the pupil to enroll in the nonresident school district unless the school boards of education of the resident and nonresident districts agree otherwise. If a parent or guardian does not notify the nonresident school district, the pupil may not enroll in that nonresident school district at that time unless the school boards of education of the resident and nonresident districts agree otherwise.

E. Within fifteen (15) calendar days after receiving the notice from the parent or guardian, the nonresident school district shall

notify the resident school district in writing of the pupil's intention to enroll in the nonresident school district. A pupil enrolled in a nonresident school district pursuant to this section is not required to make annual or periodic application for enrollment but may remain enrolled in the same school district. A pupil may transfer back to the resident school district at any time.

F. A pupil enrolled in a nonresident school district and applying to transfer into or out of a school district that has a desegregation plan shall follow the procedures of this section and for the purposes of this type of transfer and for the purposes of this act only, the words "resident school district" shall refer to the nonresident school district in which the pupil is enrolled at the time of application.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-120 of Title 70, unless there is created a duplication in numbering, reads as follows:

The board of education of any school district which desires to accept pupil transfers pursuant to this act shall adopt by resolution, prior to accepting or denying any transfer applications pursuant to this act, specific standards for the acceptance and denial of applications. Standards shall include, but not be limited to, capacity limits for programs, classes, grade levels, and school buildings. Standards for acceptance and denial of applications shall not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping condition, English proficiency level, or previous disciplinary proceedings in other schools. In addition to these standards, the board of education shall adopt procedures necessary to process applications which are consistent with the requirements of this act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-121 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. If requested by the parent or guardian of a pupil, the school district providing transportation to the nonresident school district shall provide transportation to such student within the area of the nonresident school district which lies in that transportation area. Pupils legally transported by the district shall be counted in the district's average daily haul in determining the school district's Transportation Supplement pursuant to Section 18-200 of Title 70 of the Oklahoma Statutes if the pupils live one and one-half (1 1/2) miles or more from school.

B. The resident school district is not required to provide or pay for the transportation of a pupil attending school in another school district between that pupil's residence and the border of the nonresident school district. A parent shall be reimbursed by the nonresident school district for the costs of transportation from the pupil's residence to the border of the nonresident school district if the income of the family of the pupil is at or below the federal poverty level.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-122 of Title 70, unless there is created a duplication in numbering, reads as follows:

A nonresident school district that has accepted a pupil for enrollment shall accept credits earned for graduation by the pupil in another school district. The nonresident school district shall award a diploma to a nonresident pupil if the pupil meets the nonresident school district's graduation requirements.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-123 of Title 70, unless there is created a duplication in numbering, reads as follows:

The attendance of a child transferred pursuant to this act shall be credited to the average daily membership (ADM) of the nonresident school district.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-124 of Title 70, unless there is created a duplication in numbering, reads as follows:

A school district that does not exclude nonresident pupils pursuant to the provisions of Section 4 of this act shall make information about the school district and the district's schools, programs, personnel, policies and procedures available to all interested persons.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-125 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Beginning in the 1992-1993 school year, any pupil in kindergarten through grade twelve (12) may attend, at no charge, any nonsectarian private school located within the state if all of the following apply:

1. The private school notified the State Board of Education of its intent to participate in the program created by this act, by June 30 of the previous school year;

2. The private school complies with Section 2000d of Title 42 of the United States Code, Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1618 et seq., the Age Discrimination Act of 1985, 42 U.S.C. Section 6101, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, Title VI of the Civil Rights Act of 1964, 20 U.S.C. Section 2000(d), the Family Education Rights and Privacy Act, 20 U.S.C. Section 1232g, and the Drug-Free School and Communities Act of 1986, 20 U.S.C. Section 3171; and

3. The private school meets all health and safety laws and regulations which apply to public schools.

B. The pupil or the parent or guardian of the pupil shall submit an application, on a form prescribed by the State Department of Education and supplied by the school district of residence, to the participating private school that the pupil wishes to attend by

March 30 of the year immediately preceding the school year in which he or she wishes to enroll. Within sixty (60) days after receiving the application, the private school shall notify the applicant, in writing, whether the application has been accepted or denied. The State Board of Education shall ensure that the private school determines which pupils to accept on a random basis.

C. Upon receipt from the parent or guardian of the pupil of proof of the pupil's enrollment in the private school, the State Board of Education shall pay to the private school an amount of state aid equal to the total amount of state aid to which the pupil's school district of residence is entitled under Section 18-200 of this title, divided by the district's average daily membership calculation which is used in determining the district's state aid. The State Board of Education shall pay eighteen percent (18%) of the total amount in September, eighteen percent (18%) in November, twenty-seven percent (27%) in February and thirty-six percent (36%) in May.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-126 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Education shall:

1. Annually reduce the state aid allocated to a school district pursuant to the provisions of Section 18-200 of this title by an amount determined as follows:

a. Divide the total amount to which the school district has been calculated to receive as of July 1 under Section 18-200 by the school district's average daily membership calculation which is used in determining the district's state aid.

b. Multiply the quotient derived in subparagraph a of this paragraph by the number of pupils residing in the

school district and attending private schools pursuant to this act.

2. Ensure that pupils and the parents and guardians of pupils who currently attend a public school in Oklahoma are informed annually of the private schools participating in the program created by this act.

3. Annually submit to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate for distribution to the appropriate standing committees of each House and to each private and public school participating in the program created by this act, a report comparing the academic achievement, daily attendance record, percentage of dropouts, percentage of pupils suspended and expelled and parental involvement activities of pupils attending the private schools participating in this program with the pupils enrolled in the public school system.

B. School districts shall provide transportation to pupils attending a private school which is participating in the program created by this act if the private school is located within the boundaries of the school district's transportation area and if such transportation is required by Section 9-101 of this title. Pupils legally transported by school districts shall be counted in the district's average daily haul in determining the school district's Transportation Supplement pursuant to Section 18-200 of this title if the pupils live one and one-half (1 1/2) miles or more from the private school.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-127 of Title 70, unless there is created a duplication in numbering, reads as follows:

Every private school participating in the program created by this act shall meet at least one of the following standards:

1. At least seventy percent (70%) of the pupils in the program shall advance one grade level each year;

2. The average attendance rate for the pupils in the program in the private school shall be a minimum of ninety percent (90%);

3. At least eighty percent (80%) of the pupils in the program shall demonstrate significant academic progress;

4. At least seventy percent (70%) of the families of pupils in the program shall meet parent involvement criteria established by the private school.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-128 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Education shall monitor the performance of the pupils attending private schools pursuant to this act. The private schools participating in the program created by this act shall give the State Board of Education adequate access and information for monitoring the performance of the pupils and for otherwise fulfilling the duties imposed upon the Board by this act. If the Board determines in any school year that a private school is not meeting at least one of the standards described in Section 15 of this act, the private school shall not participate in the program created by this act in the following school year.

B. The State Board of Education may conduct one or more financial or performance evaluation audits, or both, of the enrollment options program created by this act. The Board shall submit copies of the audit report to the Governor, the Speaker of the House of Representatives and to the President Pro Tempore of the Senate for distribution to the appropriate standing committees of each house.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-129 of Title 70, unless there is created a duplication in numbering, reads as follows:

There shall be created a pupil assignment council for each school district which shall be composed of one representative from

each private school participating in the program in the district. Annually, by June 30, the council shall make recommendations to the participating private schools to achieve, to the extent possible, a balanced representation of pupils participating in the program.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-130 of Title 70, unless there is created a duplication in numbering, reads as follows:

The State Board of Education shall adopt the necessary rules and regulations sufficient to enable the Board to comply with the requirements of this act.

SECTION 19. REPEALER 70 O.S. 1981, Sections 8-102, as amended by Section 88, Chapter 2, O.S.L. Supp. 1989, 8-103, as amended by Section 89, Chapter 2, O.S.L. Supp. 1989, 8-104, 8-105, 8-110, as last amended by Section 91, Chapter 2, O.S.L. Supp. 1989 (70 O.S. Supp. 1990, Sections 8-102, 8-103 and 8-110), are hereby repealed.

SECTION 20. This act shall become effective September 1, 1991.

43-1-5048

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